

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)
(PCT Article 36 and Rule 70)

REC'D 24 JAN 2006
WIPO PCT

Applicant's or agent's file reference 2347PC2	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. CT/AU2004/001299	International filing date (day/month/year) 23 September 2004	Priority date (day/month/year) 23 September 2003
International Patent Classification (IPC) or national classification and IPC Int. Cl. C02F 1/463 (2006.01)		
Applicant AQUENOX PTY LTD et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
- a. ☒ (sent to the applicant and to the International Bureau) a total of 11 sheets, as follows:
- ☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
- ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 26 April 2005	Date of completion of this report 05 January 2006
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer Adrian Gillmore Telephone No. (02) 6283 2125

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001299

Box No. I Basis of the report

With regard to the language, this report is based on:

☒ The international application in the language in which it was filed

☐ A translation of the international application into _____, which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3(a) and 23.1 (b))

☐ publication of the international application (under Rule 12.4(a))

☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-3, 7-12, 14-20 as originally filed/furnished

pages 4-6b, 13, received by this Authority on 26 April 2005 with the letter of the same

pages , received by this Authority on with the letter of

☒ the claims:

pages as originally filed/furnished

pages , as amended (together with any statement) under Article 19,

pages 21-25, received by this Authority on 26 April 2005 with the letter of the same

pages , received by this Authority on with the letter of

☒ the drawings:

pages 1/2-2/2 as originally filed/furnished

pages , received by this Authority on with the letter of

pages , received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/AU2004/001299

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-43	YES
	Claims	NO
Inventive step (IS)	Claims 1-43	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-43	YES
	Claims	NO

2. Citations and explanations (Rule 70.7).

D1: US 6733654

D2: JP 11-123383

D3: JP 11-244862

Claim 1, 2 and 32 each define reuse of water treated by electrocoagulation in a closed system without the addition of chemicals. D1-D3 do not disclose this method of water treatment. See however the indication contained in Box VI "Certain documents cited".

Therefore, claims 1-43 are novel and inventive over each of D1-D3.

All claims are industrially applicable.

Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. <u>Patent No.</u>	Publication date <u>(day/month/year)</u>	Filing date <u>(day/month/year)</u>	Priority date (valid claim) <u>(day/month/year)</u>
P, X CN 1465803	7 January 2004	7 June 2002	7 June 2002

This citation discloses all the important features of claims 1, 2 and 32. The applicant has specifically excluded magnetic separation to attempt to distinguish the instant application from the citation. However, a person skilled in the art would substitute the separation method with any other from common general knowledge in order, such as settling, flotation etc.

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosureDate of non-written disclosure
(day/month/year)Date of written disclosure
referring to non-written disclosure
(day/month/year)